

BOARD OF DESIGN REVIEW MINUTES

January 9, 2003

CALL TO ORDER: Chairman Mimi Doukas called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

ROLL CALL: Present were Board Members Mimi Doukas, Ronald Nardoza, Jennifer Shipley, and Jessica Weathers. Chairman Stewart Straus and Board Members Cecelia Antonio and Hal Beighley were excused.

Assistant Planner Jeff Caines, Associate Planner Liz Shotwell, Associate Planner Sambo Kirkman, Associate Planner Tyler Ryerson, Senior Planner Colin Cooper, Senior Planner John Osterberg, Development Services Manager Steven Sparks, Senior Transportation Planner Don Gustafson, City Transportation Engineer Randy Wooley, and Recording Secretary Bonnie Webb represented staff.

VISITORS:

Development Services Manager Steven Sparks read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

In the absence of the Chairman or Vice-Chairman, Mr. Sparks requested the Board to select an Acting Chairman for tonight's meeting, emphasizing that this is only for the purpose of tonight's meeting. Ms. Doukas agreed to serve Acting Chairman for this meeting, and the meeting was turned over to Ms. Doukas.

NEW BUSINESS:

PUBLIC HEARINGS:

Acting Chairman Mimi Doukas opened the Public Hearing and asked if there were any additions or modifications to the hearing agenda, observing that reports would be provided with regard to the Code Review Advisory Committee (CRAC).

Mr. Sparks presented a standard announcement regarding the appeal application, opened the Public Hearing and read the format of the hearing. He read Code criteria pertaining to this issue, and asked if there were any disqualifications or conflict of interest by a Board member otherwise disqualifying themselves from participating in this hearing. There were no disqualifications of Board Members.

Acting Chairman Doukas stated that she has been involved in an application for the design review of several duplexes that are located to the east of this development, emphasizing that this has no bearing on this case and would not bias her opinion.

Mr. Sparks asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

Ms. Shipley stated that she had visited the site and spoken with the owner of the home, adding that this would not affect her decision in this issue.

Mr. Sparks questioned whether anyone in attendance wishes to question a member or object to a member rendering a decision on this matter? No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date.

Mr. Sparks read criteria from Development Code regarding guidelines for the hearing and provided information with regard to the timeframe for testimony, observing that the appellant would be allowed 20 minutes in which to present their case and provide supporting testimony, while those testifying neutrally or in opposition, as well as rebuttal of testimony in opposition would be limited to five minutes.

A. APP 2002-0013 – APPEAL OF 16015 SW SNOWY OWL LANE 3 TREE REMOVAL

The Community Development Director's decision to deny land use decision BDR2002-0206 has been appealed with regard to a proposal for the removal of three (3) trees located in the backyard of 16015 SW Snowy Owl Lane. The site is generally located north of Snowy Owl Lane, east of SW 155th Terrace. The site can be specifically identified as Tax Lot 10900 on Washington County Assessor's Map 1S1-32CC. The site is zoned R-5 Urban Standard Density and is approximately 0.17 acres in size. Within the R-5 zone, single-family detached dwelling units are a permitted use outright. Any person(s) owning property within the Murray Ridge subdivision must obtain Type I

Design Review approval from the City of Beaverton before any trees can be removed which were conditioned to be preserved by Washington County land use decision #95-635 PD/S. A decision for action on this appeal of the Community Development Director's denial of the request to remove three (3) trees located on the above referenced property shall be based upon the approval criteria listed in Section 40.10.15.1.C of the Beaverton Development Code that was in effect prior to September 19, 2002.

Assistant Planner Jeff Caines presented staff report for appeal APP 2002-0013 of Type 1 Decision Review Directors Decision. Observing that this is the second appeal for this type of design review, he briefly presented the historical background for the subdivision, specifically with regard to tree removal on development property, emphasizing that any tree not within the building footprint or within five feet of the building footprint is subject to Type 1 Design Review. He pointed out that City Arborist Pat Hoff had recommended denial of the request for removal of the trees, adding that it had been determined that it would be more costly to remove the trees than to provide preventative measures or to mitigate the site in order to save the trees. He explained that some of the trees within this development had been damaged during the development of the property, causing the property owners to begin applying for Type 1 Design Review for removal of these trees. Concluding, he suggested that the appellant be allowed to present his case.

APPLICANT/APPELLANT:

Emphasizing that safety is the primary reason for his appeal of the Planning Director's decision, **PAPARAO KAVALIPATI** discussed two arborist's reports that had been submitted regarding the conditions of the trees. He requested that the decision of the Planning Director be reversed based on the new evidence provided within these reports, adding that he is concerned with the safety of his home. He reviewed the materials and exhibits he had provided, and discussed potential damage to the root system, pointing out that other trees in the same neighborhood grove have been removed. He provided pictures illustrating the three trees, expressing his concern that the trees are leaning toward his home, adding that when the wind is blowing, the branches actually hit the house. Observing that the reports submitted by the City Arborist and his private arborist conflict with one another, he pointed out that it is necessary to determine which arborist is correct. He discussed information he had obtained with regard to hazardous trees and damaged roots, as well as potential damage to

persons and property. He stated that Mr. Hoff had not thoroughly inspected the trees, as required, and presented information from the U.S. Department of Agricultural regarding problems related to root compaction damage and the safety hazards that are involved. He expressed his opinion that Mr. Hoff's recommendations are not consistent with the standard recommendations that have been provided elsewhere, emphasizing that these trees present a safety hazard to his home as well as the homes of his neighbors. Noting that a professional arborist should thoroughly inspect these trees, he pointed out that Mr. Hoff had not confirmed the extreme hazard created by the leaning of the trees.

Acting Chairman Doukas advised Mr. Kavalipati that he had exhausted his time for presenting testimony.

Referring to the report provided by *North Woods Tree Service*, Mr. Nardoza pointed out that there are six trees on the property, three of which the applicant proposes to remove.

Mr. Kavalipati advised Mr. Nardoza that his arborist had recommended removal of only three of the six trees, adding that the three to be preserved have no defects at this time.

Ms. Shipley questioned how long the retaining wall has been on the property.

Mr. Kavalipati advised Ms. Shipley that the retaining wall had been constructed in September of 2002, adding that he had moved into his home in April of 2002. He explained that the retaining wall had been constructed to serve as erosion control for the property, observing that the lot is located on a slope. He pointed out that the compaction had not been created by the retaining wall, noting that this had occurred prior to the construction of the retaining wall, and mentioned that he is willing to mitigate the tree removal of these trees by planting additional trees.

RAMANJALI KAVALIPATI provided testimony regarding safety hazards of trees and her concern with regard to the safety of her child.

PUBLIC TESTIMONY:

BOB BURROUGHS provided testimony regarding the two conflicting arborist reports, emphasizing that he supports the requested removal of the trees due to safety issues with regard to the applicant's home as

well as two additional homes. Expressing his opinion that the City of Beaverton should be supportive of the safety of these families, he pointed out that tree removals should always be replaced with new healthy trees.

PAUL SCAGNETTI expressed his support of the proposed removal of the three trees, adding that his obvious concern relates to safety issues. He pointed out that he had discussed this issue with his insurance agent, adding that they had not been willing to guarantee any coverage in the event that these trees fall on his property.

VIRGINIA AZEVEDO stated that she is opposed to the proposed removal of these trees, adding that her property borders the property owned by the Kavalipatis. She expressed her concern with potential drainage problems that could be created by the removal of these trees, emphasizing that some of the numerous trees that have already been removed have been removed illegally. She pointed out that Mr. Kavalipati appears to believe that these trees could be replaced with trees that would reach the same height within four to five years, emphasizing that this is not true. She mentioned that the Kavalipatis have already placed something similar to sandbags on their property to control drainage, adding that the removal of the three trees could potentially create even greater issues with drainage, erosion, and flooding, and described prior flooding problems that had created a situation in which the contractor had been required to clean up debris that had been distributed throughout the area.

APPLICANT REBUTTAL:

Mr. Kavalipati expressed his appreciation of the concerns expressed by Ms. Azevedo, and briefly addressed issues with regard to any potential drainage problem. He read a report explaining his plan for replanting trees to replace those removed, and provided further evidence from Mr. Hoff supporting his position that he could plant trees that would attain a certain size and height within four to five years.

Senior Planner Colin Cooper interjected that during the rebuttal period, an applicant is not permitted to provide additional evidence.

Mr. Kavalipati stated that Development Services Manager Steven Sparks had informed him that new evidence could be provided during rebuttal.

Acting Chairman Doukas pointed out that any new evidence presented during rebuttal requires that the Board reopen the hearing to allow for further public testimony.

Advising Acting Chairman Doukas that he has no problem with reopening the hearing, Mr. Kavalipati emphasized that he would like this additional evidence to be entered into the record, adding that he is willing to work with the neighbors to work to resolve any drainage issues. He pointed out that he is not responsible for erosion that had occurred prior to his purchase of the property, adding that he has been assured that the trees he intends to plant to replace those removed have the potential to grow very quickly.

On question, no member of the public had any comments with regard to only the additional evidence provided by Mr. Kavalipati.

The public portion of the Public Hearing was closed.

Ms. Shipley expressed her opinion that part of the damage was created by changes to the neighbor's property.

Acting Chairman Doukas discussed the Condition of Approval that requires that the trees be retained, adding that a Type 1 Design Review application is necessary in order to approve any removal. Referring to a recent decision on a similar case, which was contrary to the recommendation of staff, she noted that it had been determined that this limitation had been imposed upon the developer and ended with the original land use approval, adding that once the lots were sold, the developer's responsibility for that requirement ended and did not transfer to the new owner. She observed that because it had also been determined that the trees served as mitigation and a buffer for the adjacent properties, a mitigation plan had been provided for this development.

Mr. Cooper commented that although the Board of Design Review has this discretion, the Planning Director has the authority to determine the applicability of any land use decisions. He emphasized that the authority of the Board is to make a decision based upon the approval criteria for a specific application, rather than whether a particular type of application is applicable to the developer or post development applicant.

Mr. Nardozza discussed issues with regard to the developer as they relate to the responsibilities of a new homeowner, and expressed concern with the conflicting arborist reports.

Ms. Shipley stated that while any six to eight feet tall Douglas fir plantings planted at this time would most likely attain a height of approximately 20 feet within ten years, it would be quite a number of years before they grew to a height of 100 feet, which is the approximate height of the existing trees. She pointed out that this would help to stabilize the remaining trees and thicken up the wind buffer.

Acting Chairman Doukas discussed assisting with mitigation measures to help reduce potential drainage and wind throw problems.

Mr. Caines read the Condition of Approval from the prior similar appeal regarding replacement conifer trees creating a buffer.

Ms. Weathers commented that the trees appear to have root compaction problems, expressing her opinion that while Tree No. 75 and 77 should be removed, Tree No. 79 should be preserved.

Acting Chairman Doukas pointed out that there are conflicting arborist reports pertaining to all three trees.

Ms. Weathers requested clarification with regard to how long the tree would last if it is possible to break up the compaction.

Ms. Shipley expressed her opinion that this would be difficult, if not impossible, to determine.

Acting Chairman Doukas emphasized that the applicant has provided appropriate evidence and is willing to provide adequate mitigation, adding that she is inclined to approve the appeal and application.

Mr. Nardozza **MOVED** and Ms. Shipley **SECONDED** a motion to **APPROVE** APP 2002-0013 – Appeal of 16015 SW Snowy Owl Lane 3 Tree Removal (BDR 2002-0206), based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 2, 2003, with a Condition of Approval, as follows:

1. The property owner shall provide mitigation plantings of a screen of upright conifer trees at an installation height of eight

to ten feet, capable of reaching a mature height of approximately 25 feet, along the northern property line.

Motion **CARRIED** by the following vote:

AYES: Doukas, Nardozza, Shipley, and Weathers.
NAYS: None.
ABSTAIN: None.
ABSENT: Antonio, Beighley, and Straus.

B. ADJ 2002-0007 - CAMELOT COURT OFFICE BUILDING:
MAJOR ADJUSTMENT

This request is for a Major Adjustment to a Site Development Requirement as stated by Development Code 40.10.15.3, which requires developments which request an adjustment of more than 10% and up to and including 50% adjustment from the numerical Site Development Requirements specified in Chapter 20 (Land Uses). The applicant requests a Major Adjustment to the site development setback requirements from 20-feet to 10-feet as required by Development Code 20.10.50.3. The request is for a 10-foot setback on the front facing SW Canyon Lane and two side setbacks, both facing SW Canyon Road.

Associate Planner Liz Shotwell presented the Staff Report and briefly described the applicant's request and the associated approval criteria. Concluding, she recommended approval, subject to certain Conditions of Approval, and offered to respond to questions.

Acting Chairman Doukas expressed concern with the parking going onto SW Camelot Court, specifically whether it is even feasible to provide parking that extends into the public right-of-way.

Observing that SW Camelot Court no longer has through access onto SW Canyon Road, Ms. Shotwell pointed out that this street would provide access to the property owner's current and proposed buildings, adding that staff had determined that permitting this ingress/egress would not create a problem.

APPLICANT:

CRAIG JOHNSON introduced himself as the architect for this project and pointed out that the applicant is basically attempting to utilize an extremely difficult piece of property, and provided illustrations of the property showing the setbacks and the proposed building and parking

lot locations. On question, he advised Acting Chairman Doukas that no issues have been anticipated relating to visibility.

PUBLIC TESTIMONY:

No member of the public testified with regard to this application.

Ms. Shotwell indicated that she had no further comments at this time.

The public portion of the Public Hearing was closed.

Mr. Nardozza **MOVED** and Ms. Shipley **SECONDED** a motion to **APPROVE** ADJ 2002-0007 – Camelot Court Office Building Major Adjustment, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 2, 2003, including Conditions of Approval Nos. 1 through 3.

Motion **CARRIED** by the following vote:

AYES: Doukas, Nardozza, Shipley, and Weathers.

NAYS: None.

ABSTAIN: None.

ABSENT: Antonio, Beighley, and Straus.

C. BDR 2002-0166 -- OCHS 141ST AVENUE SUBDIVISION AND DUPLEXES

This land use application has been submitted for development of a fee-ownership three-lot / two-tract subdivision to construct two duplex units. The site is generally located west of SW 141st Avenue, south of Farmington Road, north of SW 6th Street. The site can be specifically identified as Tax Lot 1400 on Washington County Assessor's Map 1S1-16BC. The site is zoned R-2 Urban Medium Density and is approximately 0.38 acres in size. Within the R-2 zone, attached dwelling units are a permitted use outright. This request is for Design Review approval to construct two duplex units which are proposed in addition to the existing single-family house, for a total of five dwelling units. The development includes the construction of a water quality facility, private street and associated lighting and landscaping. In taking action on the proposed development, the Board of Design Review shall base its decision on the approval criteria listed in Section 40.10.15.3.C of the Beaverton Development Code.

Associate Planner Sambo Kirkman presented the Staff Report and applicable information regarding development of this project, including the specifics with regard to the development of this location, briefly described the applicant's request, and submitted the applicant's color and materials board.

APPLICANT:

MARK FARRIS described proposed project and provided a visual of the property site, pointing out that the applicant would retain the existing house and construct two duplexes on the property, including a 16-foot access driveway, a six-foot solid wood fence, a four-foot wide sidewalk on grade, a five-foot landscape buffer, and a water quality facility.

ERIC OCHS presented photographs illustrating the type of townhouses that would be constructed on the property, emphasizing that the applicant intends to provide units that are compatible with those that are adjacent to the subject site.

Acting Chairman Doukas pointed out that there appears to be no setback between the lot line and the structure, and questioned whether this is standard within this zoning designation.

Ms. Kirkman pointed out that the setbacks could be reduced through the fee ownership subdivision application that has been submitted by the applicant.

Ms. Weathers requested clarification with regard to why there are no windows on the south side of the first floor of the structure, adding that she is also concerned with lighting in the entry hall.

Mr. Ochs discussed the lighting within the stairwell area, adding that while no windows have been proposed in that area, the applicant is willing to consider this option.

Mr. Farris pointed out that the applicant concurs with staff's recommendations with regard to Conditions of Approval, with the exception of Condition of Approval No. 21, which addresses lighting issues, and discussed issues relating to this requirement. Observing that the applicant has been working with staff to address this concern, he recommended a revised plan and questioned the necessity of providing an additional study with regard to the entire site.

Acting Chairman. Doukas pointed out that there appears to be some concern with regard to spillover lighting across the southern property line.

Mr. Farris explained that the applicant's intent had been to provide shielded lighting.

Ms. Kirkman commented with regard to the lighting plan, and pointed out that staff is concerned with some inconsistencies within this plan.

Mr. Farris concurred, advising Ms. Kirkman that the applicant would make the necessary adjustments prior to obtaining the Site Development Permit.

PUBLIC TESTIMONY:

No member of the public testified with regard to this proposal.

Ms. Kirkman informed the applicant that any materials submitted during their presentation need to be provided to staff for the record.

Mr. Nardoza **MOVED** and Ms. Weathers **SECONDED** a motion to **APPROVE** BDR 2002-0166 – Ochs 141st Avenue Subdivision and Duplexes Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 2, 2003, including Conditions of Approval Nos. 1 through 21.

Motion **CARRIED** by the following vote:

AYES: Doukas, Nardoza, Shipley, and Weathers.

NAYS: None.

ABSTAIN: None.

ABSENT: Antonio, Beighley, and Straus.

D. BDR 2002-0148 – KRISPY KREME DOUGHNUTS @ CORNELL ROAD TYPE 3 DESIGN REVIEW

The following land use application has been submitted for development of a new Krispy Kreme Doughnut Fast-Food Restaurant. This project consists of a one-story building approximately 4,760 square feet in size with a drive-thru window located on the north side of the building. The development site is generally located north of NW Cornell Road, east of NW 167th Place, west of NW Rugs located at 16305 NW Cornell

Road, and south of U.S. Highway 26. The site can be specifically identified as Tax Lot 100 on Washington County Assessor's Map 1N1-31AA. The site is zoned Community Service (CS) and is approximately 2.36 acres in size. In the Community Service zone Eating or Drinking Establishments are permitted uses. In taking action on the proposed development, the Board of Design Review shall base its decision on the approval criteria listed in Section 40.10.15.3.C of the Beaverton Development Code Ordinance 2050, effective through Ordinance 4188. The application was submitted prior to September 19, 2002; therefore the application will be reviewed under that Development Code which was in effect prior to September 19, 2002.

Associate Planner, Tyler Ryerson presented the Krispy Kreme Doughnuts at NW Cornell Road, BDR2002-0148 Staff Report through a power point presentation. Mr. Ryerson described the proposal, including existing conditions, proposed site design, drive-through lane, accesses to Cornell Road, proposed road improvements and right-of-way dedication. Mr. Ryerson then outlined four issues staff had identified through the review process:

Issue No. 1 Beaverton School District Letter. Mr. Ryerson stated that the Beaverton School District (BSD) requested the Krispy Kreme proposal include the previously reviewed BSD Transportation and Support Center (TSC) traffic counts into Krispy Kreme's Traffic Impact Analysis (TIA). He explained that based upon the City's Development Code, the City cannot require Krispy Kreme to include the School District's request to include the TSC traffic counts with this project because the TSC proposal was not an approved City project.

Issue No. 2 Transportation. Cornell Road is a Washington County (County) facility and development will need to include County improvement requirements as adopted by the Facilities Review Committee (Committee). A revised County letter, dated January 3, 2003, was submitted into the record. The letter includes the County's Traffic Staff Report findings. The time of the City's final staff report, staff had not received the final letter from the County. Mr. Ryerson submitted a memorandum from the Committee which an additional condition is included based off the County letter. The condition of approval states that prior to issuance of the Site Development Permit, the property owner shall provide an access easement at the east driveway benefiting the two (2) abutting parcels to the east and southeast identified as County Tax Assessors Map 1N132BB, Tax Lots 800 & 900.

Issue No. 3 Traffic Control Plan. An item of concern that staff identified is requiring that a Traffic Control Plan (TCP) will be implemented prior to the opening of the proposed facility. Large numbers of people are expected to visit Krispy Kreme during the opening. The Facilities Review Committee conditions the applicant to have a plan in place mitigating the traffic that will be entering the site during the initial days or months, however long the plan will need to be implemented. The plan would have to be approved by both the City's Transportation Engineer and Washington County's Traffic Engineer. The primary focus of the TCP would be on access queuing and parking. Krispy Kreme's Traffic Engineer has been working with and is in communication with the County and the City in developing the plan.

Issue No. 4 Northerly Building Elevation. Staff stressed the appropriateness of the articulation of buildings that have recently developed along the Cornell and Hwy. 26 corridor – La-Z-Boy, Corridor Court Buildings, Dania, 167th Office Building, Medical Office adjacent to the site and NW Rugs. All have a north wall that is not a blank wall facing the freeway. Staff has stressed to the applicant the desire of articulation on that north elevation of the proposed building. The applicant has proposed three (3) trellises and a row of landscaping along the wall. Mr. Ryerson presented the proposed northern elevation with the approximately nine (9) sq. ft. drive-thru window and the three (3) trellises. The trellis' are proposed to be 11 feet high and 4 feet wide, with Jasmine vine to be planted at the base of the trellises. In addition, Japanese Holly has been proposed from the back of the drive-up window to the east end of the building where the service area begins. Mr. Ryerson presented photos of the existing northern elevations of buildings along the Hwy. 26 corridor. Mr. Ryerson stated that staff recommend approval of BDR2002-0148 subject to conditions identified at the end of the staff report. Mr. Ryerson turned the meeting over to the Board for questions.

Ms. Doukas: Complemented staff on the presentation.

Mr. Ryerson: Thanked the Chair.

Ms. Doukas: Questions for Staff.

Ms. Shipley: Questioned the queuing lane – why would there not be an access from the westerly entrance? If someone came into the west driveway, they would have to go into a parking place and go inside.

Mr. Ryerson: Per visual, pointed out the queuing lane and explained the importance of access. The original proposal had a drive-through lane which both westbound and eastbound traffic could actually try to maneuver into one short queuing lane. The applicant had a queuing lane for vehicles entering the east driveway, but there wasn't a connection to the drive-through. The applicant team changed the design to incorporate an 's' curve lane connecting back into the original queuing lane, allowing additional stacking and a true queuing connection. The downfall is if you enter via the west access, you won't be able to access the queuing lane as designed.

Ms. Shipley: Commented on small point on island in queuing area to change traffic pattern of entrance.

Mr. Ryerson: Commented on how it would defeat the purpose of forming a queue, giving examples of traffic entering from both sides with/without the queue.

Ms. Shipley: No further questions.

Ms. Doukas: Commented on specific language on architectural design on the north side of the building using glass block.

Mr. Ryerson: Per elevation drawings on page 2 of packet plan sheet, glass block is proposed around the doorways on the south and west entries. Staff has discussed how the interior structure of day-to-day working atmosphere of Krispy Kreme be affected and the team didn't want the internal workings of the structure visible to Hwy. 26. Glass block was discussed instead of a full window that could provide light from the interior and would break up the massing of the wall. The glass block is a suggestion for the Board to look deliberate.

Ms. Doukas: Any other questions for staff? None.

Ms. Doukas: Opened meeting for applicant's presentation.

Ms. Doukas: Asked Mr. Ryerson if the easement had been discussed as mentioned in memo?

Mr. Ryerson: Indicated that it had been covered.

Applicants' presentation: Mike Robinson, attorney for Krispy Kreme. Introduced team present to answer any questions:

Tim Jewett, architect
Mike Swenson, traffic engineer
Kevin Bruzzone, Krispy Kreme
Pete Papadopoulos, applicant

Mr. Robinson: Submitted letter dated January 9, 2003 from CBG Consulting Engineers addressing issues whether there is an impact of existing overhead utilities on the site pursuant to Beaverton Development Code 60.65 utilities criteria. Mr. Robinson stated they would not be connecting or using any of the four (4) overhead lines. All services are existing or new and will be undergrounded from other locations. Therefore, they don't believe this section of the Code applies to us. He indicated that he understands the City's position on this and has discussed this matter with Jim Duggan and Tyler Ryerson and understand why Facilities Review Conditions of Approval No. 8 on page 11 recommends either undergrounding or fee in-lieu of undergrounding but feel they needed to point out they don't impact any of those lines. We are not moving poles nor are we connecting to the poles. Ready to answer any questions. He stated that Mr. Jewett will address the north elevation issue: There have been several discussions regarding how to treat the north elevation. We just cannot add glass block or windows on the north elevation, but believe we have done a nice job of adding fenestration and articulation to the walls so it's a pleasant appearance and will add some interest as folks drive by on the Sunset Highway.

Mr. Jewett addressed proposal for site. Gave brief history for marketing their product. Owner wants visual of doughnuts being produced visually in front of store so customers can view the whole production experience. This focuses on the front side of the store and this is the first thing one will see. He commented on the utilities that are needed that would be part of the north wall that would not work with glass block. It could be pieced in, but proposing the trellis, evergreen plantings and lighting the structure so that at night it will add to the building articulation. He discussed the trellis and lighting structure at night and color of panels is contrasted by plantings on trellises. Approach presented will definitely articulate the facade in an aesthetically pleasing way. Any questions?

Ms. Doukas: Do you have a rendered color elevation.

Mr. Jewett: No.

Ms. Doukas: Can you tell me what color E5841 and what E5995 is?

Mr. Jewett: (Checking his notes to find information.)

Mr. Ryerson: page 12.

Ms. Doukas: Since we are talking about articulation on the north elevation, it is hard to envision this without color and I am having trouble deciphering the colors.

Mr. Jewett: Are you talking about the lower elevation and the panel that has a different color than the one that goes up the side. Lower panel is a darker beige color and majority of the panel above is a cream color.

Ms. Doukas: Where is the green panel?

Mr. Jewett: The green panel in this case on the north elevation would be the canopy and the structure holding up the canopy.

Ms. Doukas: What about the top coping?

Mr. Jewett: The top coping is dark beige color shown on the materials board, and the trellis will be painted a dark green and amended as the plants grow up it.

Ms. Shipley: Questions color of panels.

Mr. Jewett: Addressed question regarding the skin of the building. The color was chosen specifically to emphasize Krispy Kreme and what they are all about and emulate the 1940's type bakery with clean, crisp appearance with shiny panels. Could have chosen stucco giving same appearance at a lesser cost, but chose panels for quality.

Ms. Doukas: Agreed, but commented on the straight walls that is very flat. And expressed she understands the logistics of the building, but has concern of color and visibility that will be about the same as the other buildings along the freeway.

Mr. Robinson: Are you looking for more color, articulation?

Ms. Doukas: Yes, more articulation. Concern of band aide colored building with a green stripe across the top, green stripe on the drive-through canopy and a shared concern about the trellis. If they work they are a great element. If the plants die, if the same color as the building and no vegetation on them there is a very monotonous wall.

Mr. Jewett: These were intended to be painted a dark green like the color of the canopy accent colors.

Ms. Doukas: Okay. Any more questions for the applicant ?

Ms. Shipley: Question about lighting for entire building that articulate the surface at night.

Mr. Jewett: There are accent lights on the building, backside and front. There would be ground-mounted lights that will light the building trellis area.

Mr. Robinson: There is an illustration elevation site plan in the packet.

Ms. Doukas: Where would the logo be on building? Looking at revised site exterior drawing. Where would the logo be placed?

Mr. Jewett: Responded to question with visual. There will be a corporate logo neon sign.

Ms. Doukas: Referred to the revised information showing vertical dark banding on one side.

Mr. Jewett: Yes, goes up to the shaded area.

Ms. Doukas: So it does not continue past shaded area?

Mr. Jewett: No it does not continue. That area would be covered by holly. So holly in that area of the building will address the banding.

Ms. Doukas: Asked about the vertical bands being the same material.

Mr. Jewett: Yes, same cream color.

Ms. Doukas: Same material?

Mr. Jewett: Yes

Ms. Doukas: Asked about the texture of the various panels visible from a distance. It appears there are rounded corners? Curious if there is any visible texture from this pattern.

Mr. Jewett: No, they are very similar, the texture from the lines are substantial 5/8 inch sealant which is cream color which emphasizes the breakup of the facade and the joint lines.

Ms. Shipley: Questioned location of logo sign.

Mr. Jewett: It would need to be moved over.

Mr. Nardoza: Questioned connecting to utilities. If not connecting with any of the overhead utilities, you don't have to put them underground, as part of the Fac Rev condition, this is a mute point, because there is no connection.

Mr. Robinson: Code section states that they will need to underground or as per condition of approval, they either need to underground or pay a fee-in-lieu. In either instance, the cost will be about the same, roughly approximately \$200,000 to accomplish this. In reference to overhead lines in area, undergrounding, four (4) lines in area. Per letter submitted: PGE doesn't want them to connect to overhead line because it goes north of the Sunset and they don't want to reduce the capacity of that line for the areas north of the Sunset, but want them to connect from their underground vault. Telephone service will come from another underground line and not hookup into existing overhead line. Commented that the staff position is that if you develop a property with overhead lines, even if you don't hook into it, the Code requires that you either underground it or pay an in-lieu payment. The language of the Code at 60.65.15 states "the utilities required to be place underground shall be those existing overhead utilities which are impacted by the proposed development." If we are not tapping into the lines or moving them, it is hard to understand how this proposed site will impact them, but they have a condition of approval that requires to either underground or make a substantial payment. Questioned why they would need to comply when it doesn't impact proposed site.

Mr. Nardoza: Understands and agreed with their position.

Mr. Robinson: Addressed Ms. Doukas' questions in respect to articulation and glass block concerns. Glass block won't really work from an operational standpoint and Kevin Bruzzzone could explain why it won't work.

Ms. Doukas: Commented that she didn't care how they got articulation and didn't need further information regarding glass block. Reminder that articulation is good.

Mr. Robinson: We agree.

Ms. Doukas: Any other questions for the applicant?

Ms. Shipley: Commented on glass block: If there were an area it could be used, perhaps around the doorways, above the drive-through window – would that space be appropriate for glass block?

Mr. Jewett: Glass block would not be necessarily giving light in or out of these specifics spaces – ceiling area. At that point, area would be a facade or ornament.

Ms. Doukas: Thank you. Any further comments or questions. None. Now floor is open to testimony in favor:

Jerry Green, Administrator of Construction for Beaverton School District (BSD): Stated that BSD does not oppose this proposed development, but is appearing as a property owner in the area addressing the traffic impact issues related to their property and the current application. They understand that all new applications are required to consider traffic that is generated by both the existing and approved development. The District's property currently houses an existing facility that has been identified by the District for use as a Transportation Center. This is an allowed use for this facility. In addition, BSD is in the process of applying for an expansion for this facility. The application is currently under appeal, and as noted by the staff report, it was denied at the City Council level. The School District and adjacent property owners are currently working with the City through a mediation process. Closure has not been reached and anticipate formal consideration through LUBA. The BSD maintains currently is and possibly could be more traffic generation from this facility that meets both the categories of existing development and approved development. Commented recognition is separate but concurrent to this application, except that their application was submitted for consideration prior to current application, it has not been resolved and believe they have a prior position to the current application as it relates to traffic capacity in the area. The District is interested in ensuring that the traffic generation levels associated with their application and associated with their existing use are accounted for as part of the review of the traffic analysis prepared as part of this

application before you this evening. Position is based on two facts: (1) TC is an allowed use as it currently exists. There is a level of traffic that would be generated by this use. Could open this facility as a TC now without expanding the facility and there would be x-numbers of busses that would become a part of the traffic impact in that neighborhood. This level of traffic could and may exist with or without the final approval of BSD pending application for expansion of the facility. It should be considered as traffic associated with existing development, per City Code. (2) Should appeal prevail, the additional traffic associated with the expanded facility will most likely become a reality. BSD believes that because of potential for this outcome, it will be prudent for the City to consider the traffic generation associated with BSD property expansion as part of review for this application. The District shares City's concerns for efficient operation of traffic on and around Cornell Road. BSD position is simple, if the trips that will be generated by the District's property as it currently exists, plus trips generated as result of future expansion once application is approved, and are not considered mutually with the trips generated by the current application, the City will not have a full and accurate understanding of future traffic operations at Cornell Road facility. Thank you for opportunity to speak at this hearing.

Ms. Doukas: Clarified that the appeal was denied at City Council. Comments/question LUBA process

Mr. Green: Yes, filed with LUBA. Prior to formal hearing with LUBA we agreed with the City to go into the City's mediation process and have been working through this process during the past five (5) or six (6) months unsuccessfully at this point in time. They don't anticipate there will be closure in the mediation process and anticipate in order to get closure, will need to go to LUBA for final resolution on this matter. They still consider themselves to have a pending application before the City because this will be remanded back to the City.

Ms. Doukas: Any further questions? None

David James, Board of Triple Creek/Five Oaks NAC: commented this proposed site will be developed within their neighborhood. This proposed site will be within in an area consisting mainly of small businesses and there are approximately 200 businesses in the vicinity. He stated that he is in favor of this project. Referring to the Staff Report there was mention of Cornell Road proposed to become a 5-lane road, he stated he had not heard of any proposal on this and believe this proposal is a long way out and doesn't believe there are any firm

proposals to do so. If there are any traffic issues around this proposal, one must not assume that Cornell will become 5 lanes. The other concern is that immediately to the east, the westbound lanes on Cornell goes down from two (2) lanes into one lane. A deceleration lane is proposed with the application. He stated a concern of managing traffic flow in this vicinity, how traffic will be managed at this point, will there be a congestion point at the new property?

Ms. Doukas: Any other testimony?

Peter Coffey, Traffic Engineer: (representing himself) Referred to the Cornell and Bethany intersection. The original traffic study did not include this intersection, but was included in supplemental traffic analysis addressing the AM/PM. peak periods. There is congestion during the PM peak and queuing from the interchange at Hwy. 26 in this area. Through the Bus Barn hearings this was one of the biggest concerns. Aware that BDR approved the Bus Barn, but City Council rejected it in terms of traffic impacts of this area of Cornell / Bethany. As part of the Bus Barn application, there was mitigation to do some improvements on Bethany Blvd. primarily striping improvements and minor signal modifications at the Bethany / US 26 Interchange. Mr. Coffey requests this be included as part of this application to provide mitigation in the project study area, which were the same mitigations tied to the Bus Barn application. He stated his concerns about the same traffic impacts that were addressed by the City Council in the Bus Barn hearings.

Ms. Doukas: Were you the traffic consultant working for BSD Bus Barn application?

Mr. Coffey: Yes. Very familiar with situation. Stated he was representing himself, and just found out about the hearing today and lives in the area, so he is concerned about traffic impacts in the area. The Bus Barn went through an application process and was denied based on traffic reasons and this is a similar development. He recognizes there are traffic concerns in the area that City Council feels; otherwise they would not have denied the Bus Barn application. Mitigation measures went through City of Beaverton and Washington County jurisdictions. He doesn't have the written submittal of mitigation but they are in the public file. He stated that he would like to keep record open. Does not have issue with proposed project, only with traffic impacts to this location. Everyone wants to improve the transportation system.

Ms. Doukas: I wasn't involved in the decision for the bus barn, where is it located?

Mr. Coffey: Just south of Cornell Road, south of Krispy Kreme.

Mr. Ryerson: pointed out location on Zoning Map visual, located at 167th Place.

Mr. Coffey: Requesting same conditions of approval for traffic mitigation that was required for BSD Bus Barn, because of documented evidence and City Council felt there were traffic issues.

Mr. Coffey: discussed the traffic numbers in documented studies I did: with regard to vehicle queuing and documentation in PM. peak. When looked through this report, they did a supplemental analysis of Cornell /Bethany intersection during AM. peak hour, didn't do PM. peak hour. During PM. peak hour from the Bethany Blvd. / Hwy. 26 interchange traffic backs up down the hill past Burger King around the corner. This happens every day – this is the mitigation. Associated with the Bus Barn. This development has 100 PM. peak hour trips – 70% going through Bethany / Cornell Intersection – increase in 70 PM. peak hour trips where there are already queuing issues.

Ms. Doukas: Estimating this based on traffic generation numbers prepared out of Transpo Group.

Mr. Coffey: Just what I read tonight per supplemental report showing PM. peak hour traffic generation numbers.

Ms. Doukas: Where would I find this information in this giant stack?

Mr. Coffey: Access report on page 13 of the report.

Mr. Ryerson: Referred to Exhibit E

Mr. Coffey: Go to page 14 Table 2, new trips 100 – PM. peak hour. Scanned through information. Pointing out trip distribution 70% going to the Bethany / Cornell intersection – therefore, 70 new trips through this intersection. Referred to Figure 6 showing 70 new trips going to this intersection. Appreciates your perspective and I am bringing this information at the last minute, but I believe it is a very appropriate action and not sure if you would keep the record open so I can provide you with the mitigation information. Requests this be discussed with staff and Randy Wooley and others on staff.

Commented that he didn't believe it would be a significant cost for the development. Generally it is re-striping of road, signal modifications and some elements worked out with ODOT, probably looking at \$20-30-40K of improvements. Don't mean to make your decision more difficult, but believe it is very important, especially considering the decision City Council made in terms of their perception of traffic operations in that area.

Ms. Doukas: any questions for Mr. Coffey?

Ms. Shipley: What is the difference in magnitude between this project and the Bus Barn of how many more trips was it going to be generating that would have triggered the other mitigation issues, regarding future traffic impact for this site and Bus Barn. PM. peak hour?

Mr. Coffey: He explained he doesn't have the written information with him. During the PM. peak hour, which is the hour the queuing occurs today, the great majority of the buses are already back in the Bus Barn, but the drivers are leaving the site. Impact probably 100-150, really not sure. But can provide the exact numbers to the Board in the morning.

Ms. Shipley: You were saying they were similar in magnitude?

Mr. Coffey: Yes, during the PM. peak hour –the critical period we are discussing right now.

Ms. Doukas: Are these City roads?

Mr. Coffey: Both Cornell and Bethany are County Roads and at the interchange, it is ODOT right-of-way.

Ms. Doukas: Then why didn't the County require this in the original application?

Mr. Coffey: I don't know.

Ms. Doukas: If they didn't ask for it, I am assuming there is not an issue.

Mr. Coffey: Or they looked at the analysis, they didn't include it in this analysis. Where is the County response? Is there a County response in this application?

Ms. Doukas: Referred to letter in packet from Washington County, near Staff Report and letter from ODOT. Is this the right document?

Mr. Ryerson: Provided the County's revised letter submitted tonight to the recorder. (Report was given to Mr. Coffey to review.)

Mr. Coffey: Referred to Page 2 Memo from Washington County – doesn't mention intersections at Cornell – Bethany on their list.

Ms. Doukas: They didn't deem it necessary.

Mr. Coffey: They didn't go that far. Krispy Kreme looked at this area in their supplemental traffic analysis. The County didn't look at the supplemental analysis for Cornell / Bethany.

Ms. Doukas: Commented that if the County wanted to study this intersection they would have addressed it and I am not going to tell them otherwise.

Mr. Coffey: Voiced opinion / concern of issue that BSD comes in and does something for the public good developing a mitigation plan and not quite sure why it isn't carried over to a private development doing a same impact at the same intersection. That's my issue. Realize you cannot do anything about it and appreciate where you are at. Why this wasn't addressed by Washington County for the Bus Barn. Can public record be held open?

Ms. Doukas: We have to rely on staff and various organizations that have jurisdiction, like Washington County, who determine what needs to be studied.

Mr. Coffey: Are you making your determination now or can the public record be held open? How does this work?

Mr. Ryerson: Mr. Coffey can request formally that public record be held open. You will need to state a formal request to keep the record open.

Mr. Coffey: For seven days?

Ms. Doukas: I believe so.

Mr. Sparks: Is checking ORS about keeping the record open to see how long the record can be held open. Will respond shortly.

Ms. Doukas: Will make a note of your request and will let you know.

Mr. Coffey: Will I need to call someone in the morning?

Ms. Doukas: We will find out tonight.

Mr. Coffey: I appreciate your time.

Ms. Doukas: Any other questions for Mr. Coffey? Staff do you want a brief recess or continue?

Mr. Sparks: Continue on, staff will address finding during staff comment section.

Ms. Doukas: I believe that is everyone who signed up for testimony. Any other testimony? Applicant, your rebuttal?

Mr. Robinson: On behalf of the applicant I want to thank Mr. James from Five Oaks NAC for their comments, appreciate their working with us and opportunity talking with them at the neighborhood meeting. Stated that he is sympathetic to the School District's plight needing a place to park the buses and understand their concerns regarding the traffic impacts. Peter summed it up by saying that nothing can be done about this and I believe he is right because the answer is driven by Code. Pointed out that this project does not have the impacts that the expanded bus barn does. Referred to the Staff Report: Page 7, BSD issue of bus barn quotes Code what is relevant to this issue...traffic impact analysis scope cumulative analysis. Second paragraph states that traffic shall be measured within the previous 12 months. Recognize that the District owns land out there with a building that they are not using and Code requires that you count backwards for traffic for past 12 months, so with no traffic coming out of it, not sure what would be counted. Added traffic is equally specific, as described: traffic generated by developments or phases of developments that have received final development approval that are not yet occupied. Stated again they are sympathetic to the District and want them to succeed, but they don't have an approval from Council. What they have appealed to LUBA is the City's decision, not the application. Even if LUBA found the City had erred and remanded it, if City Council still believes it ought to be denied, there possibly will not be another hearing. Might be a matter of re-writing the findings and could be denied again. Don't have an approval and have an appeal, but there is every likelihood will never

get approved and won't have another hearing in front of the City. Even on remand it is not required to re-open the record.

Read from staff report relating to traffic impacts and mitigation for the area in question: Cornell and Bethany. It is not supported by the Code. The TSC was denied by the City. The City cannot require Krispy Kreme to include the potential traffic TSC would generate. The level of service analysis in the TIA indicate the project will have little impact at surrounding intersections and that no off-site mitigation is needed in order to comply with Washington County or the City of Beaverton standards. Peter said we should take into account the mitigation measures for Cornell / Bethany proposed by BSD. Neither is grounded in law nor code nor a good idea. This application is not the same scope. Ms. Shipley you asked about the magnitude of the two uses. The PM peak hour – the BSD TSC will generate 247 new trips in the peak hour and we will generate 100 new trips. Their impact is 2.5 times greater than this application. A doughnut shop's peak hours are not like the rest of the world--peak hours for doughnut lovers are 10pm and 10am. BSD Bus Barn has an entire different set of characteristics with respect to traffic. The County did not ask for the area at the Cornell / Bethany intersection to be studied because it is outside of the area to be studied, as per information stated in submittal from Washington County-LUT. Referred to page 18 Table 3 of Krispy Kreme TIA, compares the 2003 baseline conditions with 2003 project. During both AM/PM. peak hours no reduction affected intersection are required to study by the City or County below relevant level of service standard. Addressed AM/PM. peak hours intersections compared to the impacts that the school district would have.

Ms. Shipley: Asked about the peak hours 10pm and 10am.

Mr. Robinson: Our TIA table 2, page 14, the PM and AM peak hours are the standard. The doughnut shop would generate the most traffic during times when the least traffic is this system. Commented on better road capacity at these times vs. 7 AM. or 5 PM. As a comparison, the same peak hour analysis, example is that we would generate 2.5 times less PM peak hour traffic. Last night this same issue was addressed before the Planning Commission under the conditional use application. Checked the AM. peak hours and recall the difference / order of magnitude was even greater in the morning when the buses would be leaving and coming back. Stating that the Planning Commission rejected this request as well and approved the conditional use without requiring an additional analysis in the TIA.

Mr. Robinson: Responded to Mr. Coffey's request to leave the record open. Referred to ORS standard - commenting the Code is clear on this – can't include the TIA they have requested for this analysis, don't agree with keeping the record open believing it not necessary, but if Board chooses to do it, request to be held open for 7 days and then rebuttal time.

Ms. Doukas: Referred to question of merge of two (2) lanes and deceleration lane on Cornell that Mr. James from Five Oaks addressed. Can you explain?

Mr. Robinson: Referred the response to Mike Swenson.

Ms. Doukas: Any other thoughts or comments on articulation issue?

Ms. Shipley: Looking at the landscape from the highway, one will see plantings in front of building. Perhaps there could be another vertical layer of planting such as trees, sumac is shown and is fairly low. Would it work to have something between the buffer and the driveway?

Mr. Robinson: Just conferred with Mr. Bruzzone of Krispy Kreme and there would be no problem with that but voiced concern with site distance requirements in this location, but will add vertical landscaping. Isn't there additional space out there and wetlands? Don't want to do anything that would require another fill permit or touch overhead lines.

Ms. Doukas: Commented there is a gap.

Mr. Robinson: We can work with staff on a final site plan and add some additional landscaping if that will take care of the issue in your view.

Ms. Doukas: Not suggesting something that will screen the building, more a vertical accent measure.

Mr. Robinson: We can do that.

Mr. Mike Swenson, Traffic Engineer, Transpo Group: Stated they are in process of working on plans especially of improvements at Cornell Road being reviewed by the County. Proposed conceptual idea is that Cornell Rd. will be two (2) lanes to one (1) lane prior to the deceleration lane beginning. It will be clearly defined.

Ms. Doukas: Won't be getting extra customers who had no idea they were going to this site.

Mr. Swenson: Deceleration lane is not to be a drop lane. So people are forced from 2 to 1 prior to the deceleration lane starting.

Ms. Doukas: Any further questions for applicant? Staff comments?

Mr. Sparks: Mr. Robinson correctly listed relevant ORS section. It is up to the Board to allow Mr. Coffey to introduce additional evidence. Board has the ability to do so, since a request has been made, we would like for you to make the decision tonight. If you decide to hold the record open, it should be held open for a minimum of seven (7) days at which time anyone may introduce new evidence to the record.

Ms. Doukas: Anyone withstanding?

Mr. Sparks: It states that any participant may file written evidence.

Ms. Doukas: Therefore, any participant withstanding.

Mr. Sparks: Yes.

Ms. Doukas: Any further information from staff?

Ms. Ryerson: Commented on vertical plantings Ms. Shipley brought up. If the Board would like to pursue conditioning vertical plantings, a condition of approval has been crafted for additional plantings, size and spacing, that would be approved with Ms. Shipley's assistance. Also commented that the City's final decision on the BSD Bus Barn application was at the City Council. The opportunity to have it remanded back to the City is there, but at this point it is the City's final decision. So there is not an approved project at that location. That is all from the staff. If you would like the condition I drafted I will bring it up.

Ms. Doukas: Asked for the proposal to be read.

Mr. Ryerson: Applicant shall plant additional (material type) of (blank) foot on center between drive-thru lane and wetland buffer area.

Mr. Nardoza. Undergrounding?

Mr. Ryerson: Addressed Facilities Review conditions regarding undergrounding. Number B.8 dated December 18, 2002. The Committee would like to revise condition B.8 to include, "all existing overhead utilities, *which are impacted by the proposed development*," except for high voltage lines, etc. as the condition is read.

Ms. Doukas: Do we have the ability to change Facilities Review conditions?

Mr. Ryerson: You do not, but as the committee reporting to the Board can. The majority of the committee is in attendance.

Mr. Robinson: Ms. Doukas, please have Mr. Ryerson read the Facilities Review condition again.

Mr. Ryerson: "All existing overhead utilities, which are impacted by the proposed development" (with continuation of condition)

Mr. Nardoza: This is Fac Rev condition...?

Mr. Ryerson: B.8 found on page 11 of 18.

Ms. Doukas: Are you sure that is how you want to phrase this?

Mr. Ryerson: This application is through old Code. New Code, the Board can look at Fac Rev conditions of approval. The Committee is present tonight and has come to agreement that condition B.8 can be amended as read.

Ms. Doukas: Is this how you want to phrase it?

Mr. Ryerson: That is actually how the Code is read.

Mr. Sparks: Intent behind the modification when first reviewed by the Committee originally thought the project was impacting existing overhead lines. As per testimony heard tonight is that it will not impact existing pole or overhead lines. With this modification, will keep condition already there and if through the Site Development review process we find it doesn't apply, we will check it off. The condition is meeting a Code requirement.

Ms. Doukas: You revised it and we don't need to.

Mr. Sparks: We will need in the motion that the condition is modified as suggested.

Mr. Robinson: Can I address an open comment?

Mr. Sparks: The hearing has not been closed and open briefly to hear this issue only.

Mr. Robinson: In talking with Peter, we agree to have record open for seven (7) days and request an additional six (6) days for written comments from applicant. Then the record would be closed at 5pm on January 22, 2003 before the Board meeting scheduled for the 23rd

Ms. Doukas: Will this work out for you Tyler?

Mr. Robinson: Referring to Code criteria, requesting additional six (6) days for rebuttal which would extend the 120-day clock an additional 13 days.

Ms. Doukas: Anything else from staff.

Mr. Sparks: For the record, extended the clock another 13 days we will forward form letter with signatures that will specify the new date regarding the 120 clause.

Ms. Doukas: Anything additional, none. Close the public hearing.

Ms. Doukas: Discussion of how to close the meeting.

Mr. Nardoza: Public hearing is closed, but written record is still open.

Ms. Doukas: We don't need to deliberate, just continue?

Mr. Sparks: No, you need to approve holding the record open as described by Mr. Robinson and then conclude and make a motion to continue matter to a date certain of January 23, 2003 at 6:30pm will be the meeting time for this continuation.

Ms. Doukas: Okay. Any discussion for continuation?

Ms. Shipley: Does this mean we don't work on conditions of approval at this point, as far as adding vertical elements or things for landscaping.

Mr. Sparks: Suggested they work on those tonight so they can prepare a revised list of conditions for you to consider to make sure that they have incorporated your comments and recommendations so the continuation date meeting will run more smoothly.

Ms. Doukas: Open for discussion

Mr. Sparks: Further commented to the Board that having this discussion is by no way prejudices Board in making a decision of approval by identifying conditions of approval. Identifying if this is approved there are some conditions you would like to see, but will be making recommendations tonight and final decision will be made on date of continued meeting based on evidence provided to you in addition to evidence already submitted.

Ms. Doukas: Discussion.

Ms. Shipley: Trees, relocating Hogan Western Red Cedar tree located in PGE easement. Appears to be next to the transformer. Does Board pick location?

Ms. Doukas: No applicant chooses location. Is there a specific place you would recommend?

Ms. Shipley: There is plenty of room. Should I pick a spot or do you want to put it somewhere. Suggestion for location of tree to be in northwest corner –opposite corner of another Hogan Western Cedar so there would be room for another one.

Mr. Sparks: Suggested Board to provide general directions to applicant. We are coming back at a future date and they can prepare a revised landscape plan and we can look at the revision at the meeting. If it meets muster, great, if it doesn't you can draft a condition in response to that landscaping plan.

Ms. Doukas: Sounds good. Do you want them to come up with the vertical elements of the trees?

Mr. Sparks: Believe they have heard your discussion and have some good direction of what the consensus of the Board for the landscaping elements, will trust them to respond satisfactorily to you and if not, you can respond why not.

Ms. Doukas: Okay.

Mr. Nardozza: Maybe you could elaborate a little more direction.

Ms. Shipley: Checking site plans and made some recommendations in area of informal plantings next to the wetlands and wouldn't want to see just a soldier-like row of trees thrown in there, but something that will work with the informal aspect next to the wetland area.

Mr. Nardozza: Any recommendations for types of trees?

Ms. Doukas: They can do that.

Ms. Shipley: Trees to be compatible to the area.

Mr. Nardozza: Okay, looked at utilities.

Mr. Ryerson: Wanted verification on evergreen or deciduous preference?

Ms. Doukas: Evergreen because of the plantings being on the trellis and if they die off.

Ms. Shipley: Was looking at the plant material in there right now, height is okay to fit a tree in there that could create a vertical planting. Hogan Cedars are working through this area of the site. Concern with Hogan Cedar that it might begin to screen.

Ms. Doukas: Looking for something more architectural, tall and skinny and evergreen. An evergreen column.

Ms. Shipley: Like an incense cedar.

Mr. Nardozza: Hope they got some ideas from the discussion.

Mr. Sparks: Believe you have had your discussion. Applicant can take recommendations and make revisions at the continued date. Changes can be made at that time.

Ms. Doukas: Commented on architectural articulation. Any other discussion? None. We need a motion to leave record open for seven (7) days for open submittal from anyone withstanding a six (6) day rebuttal period for the applicant with a date certain for deliberation.

Mr. Nardozza: Do I need to reference the entire thing to make the motion

Mr. Sparks: Yes, make motion referencing application number, project title, and as Ms. Doukas identified, move to hold record open seven (7) days and allow rebuttal for additional six (6) days.

Mr. Nardozza: Moved to keep record open seven (7) days and rebuttal time of six (6) additional days with a closing date of January 22, 2003 for BDR2002-0148 Krispy Kreme Doughnuts at NW Cornell Road.

Ms. Doukas: Is there a second?

Ms. Shipley: Seconded.

Ms. Doukas: All in favor. Motion passed.

Mr. Sparks: Clarified for the record what this motion means and the way they interpret it: The record will be held open until January 16, 2003, the rebuttal period will close on January 22, 2003, which will then, with next motion, continuing this matter until January 23, 2003.

Mr. Nardozza: Move for continuance of BDR2002-0148 Krispy Kreme Doughnuts at NW Cornell Road until January 23, 2003 at 6:30 PM with these changes.

Ms. Doukas: Do we have a second?

Ms. Shipley: Seconded.

Ms. Doukas: All in favor. Motion carried.

Mr. Sparks: Addressed Board as to whether those in attendance tonight would be in attendance at the January 23, 2003 meeting?

Ms. Shipley: Stated she will not be available. Have an out-of-town site visit.

Mr. Sparks: This raises an issue.

Mr. Nardozza: Commented on whether three (3) out of the four (4) present wouldn't be sufficient enough?

Mr. Sparks: We will prepare some draft minutes, make the tapes available for Board members not in attendance tonight so they can review prior to next meeting so they can participate in the discussion.

Ms. Doukas: Please restate.

Mr. Sparks: Members who are not in attendance tonight will receive a copy of draft minutes and copies of the tape. They already have the materials that were presented tonight, along with materials presented tonight have been made available to them; they will be able to familiarize themselves with the record and proceedings before January 23, 2003 so they can participate at that meeting.

Ms. Doukas: I guess that's all for Krispy Kreme. There were no minutes to approve. So we will go onto Miscellaneous Business.

MISCELLANEOUS BUSINESS:

Referring to the Code Review Advisory Committee (CRAC)l, Acting Chairman Doukas: pointed out that as the Board of Design Review's representative, she has attended several meetings with regard to revisions to the design review requirements and associated Development Code requirements., and briefly discussed efforts to make appropriate revisions to the standards, guidelines, and conditions involved in meeting the intent of these requirements.

Referring to staff's concerns with regard to potential loopholes, Mr. Sparks discussed a meeting with the City's consultant with regard to the issues and potential problems involved in the preparation of these revisions.

Mr. Sparks advised members of the Board that it is necessary to elect new officers for the year 2003 this month.

The meeting adjourned at 10:30 p.m.